



April 4, 2003

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# ENGROSSED SENATE BILL No. 482

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DIGEST OF SB 482 (Updated April 2, 2003 3:02 PM - DI 105)

**Citations Affected:** IC 35-50.

**Synopsis:** Retroactive credit for earning a degree in prison. Allows a prisoner to receive additional credit time for a diploma or degree completed before July 1, 1999, unless the prisoner has been convicted of certain sex crimes.

**Effective:** July 1, 2003.

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## Waterman, Rogers

(HOUSE SPONSOR — SMITH V)

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January 21, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

February 20, 2003, amended, reported favorably — Do Pass.

February 25, 2003, read second time, amended, ordered engrossed.

February 26, 2003, engrossed.

February 27, 2003, read third time, passed. Yeas 46, nays 4.

### HOUSE ACTION

March 13, 2003, read first time and referred to Committee on Courts and Criminal Code.

April 3, 2003, reported — Do Pass.

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ES 482—LS 6862/DI 105+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 482

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-50-6-3.3, AS AMENDED BY P.L.90-2000,  
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 3.3. (a) In addition to any credit time a person  
4 earns under subsection (b) or section 3 of this chapter, a person earns  
5 credit time if the person:

- 6 (1) is in credit Class I;  
7 (2) has demonstrated a pattern consistent with rehabilitation; and  
8 (3) successfully completes requirements to obtain one (1) of the  
9 following:

10 (A) A general educational development (GED) diploma under  
11 IC 20-10.1-12.1, if the person has not previously obtained a  
12 high school diploma.

13 (B) A high school diploma.

14 (C) An associate's degree from an approved institution of  
15 higher learning (as defined under IC 20-12-21-3).

16 (D) A bachelor's degree from an approved institution of higher  
17 learning (as defined under IC 20-12-21-3).

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(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsection (a) and subsection (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.

(2) One (1) year for graduation from high school.

(3) One (1) year for completion of an associate's degree.

(4) Two (2) years for completion of a bachelor's degree.

(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.



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(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) ~~Subsection (c) applies only to a person who completes at least a portion of the degree or program requirements under subsection (a) or (b) after June 30, 1999.~~ Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

**(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or**

**(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:**

**(A) Rape (IC 35-42-4-1).**

**(B) Criminal deviate conduct (IC 35-42-4-2).**

**(C) Child molesting (IC 35-42-4-3).**

**(D) Child exploitation (IC 35-42-4-4(b)).**

**(E) Vicarious sexual gratification (IC 35-42-4-5).**

**(F) Child solicitation (IC 35-42-4-6).**

**(G) Child seduction (IC 35-42-4-7).**

**(H) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).**

**(I) Incest (IC 35-46-1-3).**

**(J) Sexual battery (IC 35-42-4-8).**

**(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.**

**(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.**

**(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).**

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(j) The amount of credit time earned under this section is reduced to the extent that application of the credit time would otherwise result in:



- 1 (1) postconviction release (as defined in IC 35-40-4-6); or
- 2 (2) assignment of the person to a community transition program;
- 3 in less than forty-five (45) days after the person earns the credit time.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 482, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 11, delete ":".

Page 3, line 12, delete "(1)".

Page 3, line 13, after "person" insert ".".

Page 3, line 13, delete "if the".

Page 3, delete lines 14 through 16.

Page 3, line 17, delete "(2)".

Page 3, line 17, strike "period of imprisonment imposed on the person by the".

Page 3, line 18, strike "sentencing".

Page 3, line 18, delete "court if the person has not demonstrated a pattern" and insert "~~court~~".

Page 3, delete lines 19 through 20.

Page 3, run in lines 11 through 20.

and when so amended that said bill do pass.

(Reference is to SB 482 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 1.

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## SENATE MOTION

Mr. President: I move that Senator Rogers be added as coauthor of Senate Bill 482.

WATERMAN

## SENATE MOTION

Mr. President: I move that Senate Bill 482 be amended to read as follows:

Page 3, line 11, after "from" insert:

":

**(1)".**

Page 3, line 13, after "person" delete "." and insert "**, if the person has not been convicted of an offense described in subdivision (2); or**

**(2) the".**

Page 3, line 13, reset in roman "period of imprisonment imposed on the person by the".

Page 3, delete line 14 and insert "**sentencing court, if the person has been convicted of one (1) of the following crimes:**

- (A) Rape (IC 35-42-4-1).**
- (B) Criminal deviate conduct (IC 35-42-4-2).**
- (C) Child molesting (IC 35-42-4-3).**
- (D) Child exploitation (IC 35-42-4-4(b)).**
- (E) Vicarious sexual gratification (IC 35-42-4-5).**
- (F) Child solicitation (IC 35-42-4-6).**
- (G) Child seduction (IC 35-42-4-7).**
- (H) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).**
- (I) Incest (IC 35-46-1-3).**
- (J) Sexual battery (IC 35-42-4-8).**
- (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.**
- (L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.**
- (M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L)."**

(Reference is to SB 482 as printed February 21, 2003.)

YOUNG R MICHAEL

ES 482—LS 6862/DI 105+



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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 482, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

WEINZAPFEL, Chair

Committee Vote: yeas 10, nays 0.

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